

rules pursuant to chapter 17A, subject to approval by the board of corrections pursuant to section 904.105, subsection 7, to implement this section.

Sec. 10. Section 906.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who has been released on parole or work release may be temporarily assigned to the supervision of the director of the department of corrections as a result of placement in a violator facility established pursuant to section 904.207.

Sec. 11. Section 906.9, subsection 3, and unnumbered paragraph 2, Code 1993, are amended to read as follows:

~~3. Upon going from an educational work release to parole or discharge, fifty dollars.~~

Those inmates receiving payment under subsection 2 ~~or 3~~ shall not be eligible for payment under subsection 1 unless they are returned to the institution. An inmate shall only be eligible to receive one payment under this section during any twelve-month period. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Sec. 12. Section 908.9, Code 1993, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR.

If the parole of a parole violator is revoked, the violator shall remain in the custody of the Iowa department of corrections under the terms of the parolee's original commitment. ~~The violator may be placed in a violator facility established pursuant to section 904.207 if the parole revocation officer or board panel determines that placement in a violator facility is necessary.~~ If the parole of a parole violator is not revoked, the parole revocation officer or board panel shall order the person's release subject to the terms of the person's parole with any modifications that the parole revocation officer or board panel determines proper, or may order that the violator be placed in a violator facility, established pursuant to section 904.207, if the parole revocation officer or board panel determines that placement in a violator facility is necessary.

Sec. 13. Sections 904.810 and 904.811, Code 1993, are repealed.

Approved April 26, 1993

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## CHAPTER 47

### DEPARTMENT OF TRANSPORTATION – MISCELLANEOUS PROVISIONS

*S.F. 78*

**AN ACT** making technical changes to transportation Code provisions concerning applications for registration and title, relating to the speed limit laws, concerning the agency appeal process regarding the sale of railroad property, and relating to the issuance of commercial vehicle violation citations.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

Section 1. Section 321.25, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A vehicle may be operated upon the highways of this state without registration plates for a period of thirty days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor vehicle delivered by the dealer

to the purchaser even if the vehicle was purchased from an out-of-state dealer and the card shall bear the registration number of the dealer that delivered the vehicle. A dealer shall not issue a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within fifteen calendar days from the date of delivery of the vehicle. However, if the vehicle is subject to a security interest and has been offered for sale pursuant to section 321.48, subsection 1, the dealer shall forward the application by the purchaser to the county treasurer or state office within twenty-two calendar days from the date of the delivery of the vehicle to the purchaser.

Sec. 2. Section 321.49, subsection 1, Code 1993, is amended to read as follows:

1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within fifteen days of the date of assignment or transfer of title, or within twenty-two days of the date of delivery to the purchaser if the vehicle is subject to a security interest and was offered for sale pursuant to section 321.48, subsection 1, a penalty of ten dollars shall accrue against the applicant, and no registration card or certificate of title shall be issued to the applicant for the vehicle until the penalty is paid.

## DIVISION II

Sec. 3. Section 321.285, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The following shall be the lawful speed except as hereinbefore or hereinafter modified provided by this section, or except as posted pursuant to sections 262.68; 321.236, subsection 5; 321.288, subsection 6; 321.289; 321.290; 321.293; 321.295; and 461A.36, and any speed in excess thereof shall be unlawful:

Sec. 4. Section 321.285, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 5. Section 321.285, subsection 5, Code 1993, is amended to read as follows:

5. ~~Fifty five~~ Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour from sunset to sunrise and fifty-five miles per hour from sunrise to sunset.

Sec. 6. Section 321.285, subsection 6, Code 1993, is amended by striking the subsection.

Sec. 7. Section 321.285, subsection 8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

~~Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic, except vehicles subject to the provisions of section 321.286 on fully controlled-access, divided, multi-laned highways including the national system of interstate highways designated by the federal highway administration and this state (23 U.S.C. sec. 103 (e)) is sixty-five miles per hour. However, the department or cities with the approval of the department may establish a lower speed limit upon such highways located within the corporate limits of a city and used as city alternate routes, commonly referred to as "freeways."~~ For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. A minimum speed of forty miles per hour, road conditions permitting, is established on the highways referred to in this subsection.

Sec. 8. Section 321.291, Code 1993, is amended to read as follows:

321.291 INFORMATION OR NOTICE.

In every charge of violation of ~~sections~~ section 321.285 ~~to 321.287~~ the information, also the notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

Sec. 9. Section 321.292, Code 1993, is amended to read as follows:  
321.292 CIVIL ACTION UNAFFECTED.

The foregoing provisions of ~~sections section 321.285 to 321.287~~ shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

Sec. 10. Section 805.8, subsection 2, paragraph g, subparagraph (1), Code 1993, is amended to read as follows:

(1) For excessive speed violations when not more than five miles per hour in excess of the limit under sections ~~461A.36~~, 321.236, subsections 5 and 11, 321.285, ~~321.286~~ and ~~321.287~~ and 461A.36, the scheduled fine is ten dollars.

Sec. 11. Section 805.8, subsection 2, paragraph g, subparagraph (3), Code 1993, is amended to read as follows:

(3) For excessive speed violations when in excess of the limit under sections 321.236, subsections 5 and 11, 321.285, ~~321.286~~, ~~321.287~~, and 461A.36 by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Sec. 12. Section 805.8, subsection 2, paragraph k, Code 1993, is amended to read as follows:

k. For violations by operators of school buses and emergency vehicles, and for violations by other motor vehicle operators when in vicinity, under sections 321.231, 321.324, and 321.372 and ~~321.377~~, the scheduled fine is twenty-five dollars: ~~However, excessive speed by a school bus in excess of ten miles over the limit is not a scheduled violation.~~

Sec. 13. Section 805.8, subsection 2, paragraph k, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For violations by operators of school buses under section 321.285, the scheduled fine is twenty-five dollars. However, excessive speed by a school bus in excess of ten miles over the limit is not a scheduled violation.

Sec. 14. Sections 321.286, 321.287, and 321.377, Code 1993, are repealed.

### DIVISION III

Sec. 15. Section 321.449, unnumbered paragraph 9, Code 1993, is amended to read as follows:

Rules adopted under this section concerning periodic inspections shall not apply to special trucks as defined in section 321.1, subsection 76, and registered under section ~~321.123~~ 321.121.

### DIVISION IV

Sec. 16. Section 327G.78, Code 1993, is amended to read as follows:

327G.78 SALE OF RAILROAD PROPERTY.

Subject to sections 327G.77 and 6A.16, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the interstate commerce commission, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon

the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections and appeals which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

The decision of the department of inspections and appeals is binding on the parties, except that a person who seeks to purchase the real property may withdraw the offer to purchase within thirty days of the decision of the department of inspections and appeals. If a withdrawal is made, the railroad corporation, trustee, or successor in interest may sell or dispose of the real property without further order of the department of inspections and appeals.

This section does not apply when a rail line is being sold for continued railroad use.

#### DIVISION V

Sec. 17. Section 6A.10, subsection 1, Code 1993, is amended to read as follows:

1. The railway corporation shall apply to the department of transportation for permission to condemn. The department may, after hearing, report to the clerk of the district court clerk of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the authority department.

#### DIVISION VI

Sec. 18. Section 602.8106, subsection 4, Code 1993, is amended to read as follows:

4. The clerk shall deposit all other fines and forfeited bail received from a magistrate in the court revenue distribution account established in section 602.8108, including those fines which are imposed through commercial vehicle violation citations issued by motor vehicle division personnel at portable and fixed weigh stations in the state.

Approved April 27, 1993

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## CHAPTER 48

### TRANSFER OF FUNCTIONS FROM DEPARTMENT OF CULTURAL AFFAIRS

*S.F. 225*

**AN ACT** relating to technical and other changes within the Code to transfer the library division, regional library system, library compact, state data center, and public broadcasting division from the department of cultural affairs to the department of education and to transfer the Terrace Hill commission from the department of cultural affairs to the department of general services, and providing for related matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 7A.3, subsection 10, Code 1993, is amended to read as follows:

10. ~~Library commission~~ Commission of libraries.

Sec. 2. Section 7E.5, subsection 1, paragraph m, Code 1993, is amended to read as follows:

m. The department of cultural affairs, created in section 303.1, which has primary responsibility for managing the state's interests in the areas of the arts, history, ~~libraries~~, and other cultural matters.

Sec. 3. Section 12C.1, subsection 1, Code 1993, is amended to read as follows: